



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Purchase Order

PURCHASE ORDER NO.
 ALCOHOL05

PAGE
 1

BLANKET RELEASE
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CORRECT PURCHASE ORDER NUMBER
 MUST APPEAR ON ALL PACKAGES
 INVOICES, AND SHIPPING PAPERS.
 QUESTIONS CONCERNING THIS PUR-
 CHASE ORDER SHOULD BE DIRECTED
 TO THE BUYER AS NOTED BELOW

CHANGE ORDER

**SEE REVERSE SIDE FOR
 TERMS AND CONDITIONS**

INVOICE TO
 ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

VENDOR
 *709063243 502 633 0650
 AAPER ALCOHOL & CHEMICAL CO
 PO BOX 339

 SHELBYVILLE KY 40066

SHIP TO

AGENCY COPY

ALL STATE AGENCIES
 AND POLITICAL SUBDIVISIONS
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	FEIN/SSN	FUND		
11/01/2004	NET 30	611328204			
SHIP VIA	F.O.B.	FREIGHT TERMS	ACCOUNT NUMBER		
BEST WAY	DESTINATION	PREPAID	MUL-MUL		
LINE	QUANTITY	UOP	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
		OPEN	END CONTRACT		
	CONTRACT COORDINATOR: ROSS HOFFMANN AAPER ALCOHOL & CHEMICAL CO. PO BOX 339 SHELBYVILLE, KY 40066 TELEPHONE: 800-456-1017 FAX: 502-633-0685				
0001	10/15/2004	DR	190-25-01-001	264.00000	
	ALCOHOL: ETHYL, 190 PROOF, 55 GALLON DRUM				
0002	10/15/2004	DR	190-25-01-002	40.00000	
	ALCOHOL, ETHYL, 190 PROOF, 5 GALLON DRUM				
0003	10/15/2004	DR	190-25-04-001	41.00000	
	ALCOHOL, ETHYL, 200 PROOF, 5 GALLON DRUM				
0004		CS		36.00000	

WV STATE PURCHASING DIVISION
 ADMINISTRATION UNIT
 CERTIFIED ENCUMBERED

NOV 08 2004

Beverly Toler

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE

OPEN END

TOTAL

APPROVED FOR
Samuel Wayfield
 APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BY *Laura Francis* 11/3/04
 BETTY FRANCISCO 804-558-0468
 PURCHASING DIVISION AUTHORIZED SIGNATURE



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BEST WAY		DESTINATION		PREPAID		MUL - MUL	
LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT. NO.	ITEM NUMBER				
0005	10/15/2004		190-25-04-002		33.20000		
	ALCOHOL, ETHYL, 200 PROOF, 24 - 16 OZ. BOTTLES						
0006	10/29/2004	CS	190-25-01-001		33.60000		
	ALCOHOL, ETHYL, 190 PROOF, 1 GAL DR. (4 X 1 GAL/CS)						
0006	10/29/2004	CS	190-25-01-001		33.60000		
	ALCOHOL, ETHYL, 200 PROOF, 1 GAL DR. (4 X 1 GAL/CS)						
GENERAL REQUIREMENTS:							
1) ALL DELIVERIES SHALL BE MADE DURING NORMAL WORKING HOURS WITHIN THIRTY DAYS AFTER RECEIPT OF ORDER. SPENDING UNITS MUST BE ADVISED IN WRITING IF ORDERS WILL BE DELAYED FOR ANY REASON.							
2) ALL ORDERS FROM THIS CONTRACT, WITH THE EXCEPTION OF THOSE TOTTALLING \$100.00 OR LESS MUST BE F.O.B. DESTINATION.							
ALL ORDERS LESS THAN \$100.00 SHALL BE DELIVERED FOB: SHIPPING POINT. ANY TRANSPORTATION COSTS WILL BE INVOICED AS A SEPARATE CHARGE WITH THE ORIGINAL							

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 ASSISTANT ATTORNEY GENERAL

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE

**GENERAL TERMS & CONDITIONS
PURCHASE ORDER/CONTRACT**

1. **ACCEPTANCE:** Seller shall be bound by this order and its terms and conditions upon receipt of this order.
2. **APPLICABLE LAW:** The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
3. **NON-FUNDING:** All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the terms of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
4. **COMPLIANCE:** Seller shall comply with all Federal, State and local laws, regulations and ordinances including, but not limited to, the prevailing wage rates of the WV Division of Labor.
5. **MODIFICATIONS:** This writing is the parties final expression of intent. No modification of this order shall be binding unless agreed to in writing by the Buyer.
6. **ASSIGNMENT:** Neither this Order nor any monies due, or to become due hereunder may be assigned by the Seller without the Buyer's consent.
7. **WARRANTY:** The Seller expressly warrants that the goods and/or services covered by this order will: {a} conform to the specifications, drawings, samples or other description furnished or specified by the Buyer {b} be merchantable and fit for the purpose intended and/or {c} be free from defect in material and workmanship.
8. **CANCELLATION:** The Director or Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
9. **SHIPPING, BILLING & PRICES:** Prices are those stated in this order. No price increase will be accepted without written authority from the Buyer. All goods or services shall be shipped on or before the date specified in this Order.
10. **LATE PAYMENTS:** Payments may only be made after the delivery of goods or services. Interest may be paid on late payments in accordance with the *West Virginia Code*.
11. **TAXES:** The State of West Virginia is exempt from Federal and State taxes and will not pay or reimburse such taxes.
12. **RENEWAL:** Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor / contractor files for bankruptcy protection, this contract is automatically null and void, and is terminated without further order.
14. **HIPAA Business Associate Addendum** - The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR ̄160.103) and will be disclosing Protected Health Information (45 CFR ̄160.103) to the vendor.



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CHANGE ORDER

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BEST WAY	DESTINATION	PREPAID	MUL-MUL

LINE	QUANTITY	UOP	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
FREIGHT BILL ATTACHED TO THE INVOICE.					
3) SUCCESSFUL VENDOR IS TO PROVIDE A NINE (9) MONTH SUMMARY REPORT OF PROCUREMENT VOLUMES BY ITEM AND DOLLAR AMOUNTS. THIS IS A SINGLE REPORT WHICH IS TO BE FURNISHED AT THE BEGINNING OF THE TENTH MONTH OF THE CONTRACT. THE REPORT IS TO BE DELIVERED TO BETTY FRANCISCO, PURCHASING DIVISION, 2019 WASHINGTON ST., E., P.O. BOX 50130, CHARLESTON, WV 25305-0130.					
SPECIAL ORDERING PROCEDURES:					
ALL RELEASES AGAINST THIS CONTRACT SHALL BE DONE THROUGH THE PURCHASING DIVISION. THE ORDERING AGENCY SHALL SUBMIT AN APPROVED WV-35 AND A COMPLETED ABC FORM 12 (IN DUPLICATE) TO:					
WV PURCHASING DIVISION ATTN: BETTY FRANCISCO 2019 WASHINGTON STREET, E. CHARLESTON, WEST VIRGINIA 25305					
THE PURCHASING DIVISION SHALL FORWARD THE FORM TO THE ABC COMMISSIONER FOR SIGNATURE. AFTER FORM 12 HAS BEEN SIGNED AND RETURNED, THE PURCHASING DIVISION, FILE 42, SHALL ISSUE THE RELEASE ORDER.					

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LINE	QUANTITY	UOP	VENDOR ITEM NO.	UNIT PRICE	AMOUNT
	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
	THE ABC FORM 12 CAN BE OBTAINED FROM THE WEST VIRGINIA ALCOHOL BEVERAGE CONTROL COMMISSION.				
	3. SUCCESSFUL VENDOR SHALL BE REQUIRED TO SUBMIT A REPORT OF SALES VOLUME BY ITEM AND DOLLAR AMOUNT. THIS IS A SINGLE REPORT WHICH IS TO BE FURNISHED AT THE BEGINNING OF THE TENTH MONTH OF THE CONTRACT (AND THE TENTH MONTH OF ANY RENEWAL CONTRACT PERIOD). THE REPORT IS TO BE DELIVERED TO BETTY FRANCISCO, SENIOR BUYER, PURCHASING DIVISION, 2019 WASHINGTON STREET, E., CHARLESTON, WV 25305-0130.				
	NOTE: ALL PRICES SHALL REMAIN FIRM FOR A MINIMUM OF ONE YEAR.				
	EXHIBIT 3				
	LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON NOVEMBER 15, 2004 AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.				

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	DELIVERY DATE	CAT. NO.	ITEM NUMBER		
<p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANS- PORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p>					

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LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
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	<p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p>						

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	DELIVERY DATE		CAT. NO.	ITEM NUMBER				
RECEIPT TICKET FOR PURCHASE ORDER: ALCOHOL05								
LINE	CATNO	ITEM NUMBER		DESCRIPTION		QTY	DATE	
0001	190-25-01-001	ALCOHOL: ETHYL, 190 PROOF, 55 GALLO						
0002	190-25-01-002	ALCOHOL, ETHYL, 190 PROOF, 5 GALLON						
0003	190-25-04-001	ALCOHOL, ETHYL, 200 PROOF, 5 GALLON						
0004	190-25-04-002	ALCOHOL, ETHYL, 200 PROOF, 24 - 16						
0005	190-25-01-001	ALCOHOL, ETHYL, 190 PROOF, 1 GAL DR						
0006	190-25-01-001	ALCOHOL, ETHYL, 200 PROOF, 1 GAL DR						
SIGNATURE _____						DATE _____		

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